

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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**CITY OF DELAWARE CITY
PUBLIC HEARING &
MAYOR AND COUNCIL MEETING
March 18, 2013**

CALL TO ORDER – PUBLIC HEARING

The Honorable Mayor Buchheit called to order the Public Hearing at 7:00 pm.

PLEDGE OF ALLEGIANCE

The Honorable Mayor Buchheit led the Pledge of Allegiance to the Flag.

ROLL CALL

Present were Council Members Barrett, Titus, Sullivan and Green. Also present were City Manager Cathcart, City Secretary Gwynn, City Treasurer Hartman and Interim City Solicitor Walton.

ORDINANCE 13-0225-01 – AN ORDINANCE RELATING TO THE COMPOSITION OF THE BOARD OF ADJUSTMENT

City Manager Cathcart and Interim City Solicitor Walton gave a brief overview of this ordinance that was implemented by the City Solicitor. City Solicitor Walton said he was concerned that there would be a conflict of interest as the City Solicitor would be making a decision and also be called upon regarding an appeal if there should be one. He said only residents could serve on the Board of Adjustment, but not Council Members. Mayor Buchheit asked if anyone was present with questions or comments about this ordinance. There were no members of the public present concerning this ordinance.

RESOLUTION 13-0318-01 – A RESOLUTION RELATING TO CHARTER CHANGES

City Manager Cathcart explained that the Charter review process started over a year ago. He said that there was a workshop, open to the public, about two months ago. He said the Mayor and Council reached a consensus about the recommended changes. He added that if there were no changes this evening, and Council approved the resolution, the recommended changes would go to the Legislature. Once signed by the Governor, the changes would become the legal revision to the City Charter. City Solicitor Walton reviewed the recommended changes, revised some to be in compliance with the State law and drafted the ordinance. He itemized, for the attendees, the changes that needed further explanation and the reasons behind those changes. City Manager Cathcart said the elements the City Solicitor mentioned were discussed in the workshop, but the Mayor and Council Members weren't sure of the wording, so the City Solicitor wrote the proper language. Mayor Buchheit asked if anyone was present with questions or comments about this resolution. There was no one present concerning this resolution. Discussion followed.

RECESS PUBLIC HEARING

The Honorable Mayor Buchheit recessed the Public Hearing at 7:25 PM.

RECONVENE PUBLIC HEARING

The Honorable Mayor Buchheit reconvened the Public Hearing at 7:30 PM. There were no public comments.

ADJOURN PUBLIC HEARING

Council Member Sullivan made a motion to adjourn the Public Hearing. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried. Public Hearing adjourned at 7:31 PM.

CALL TO ORDER – MAYOR AND COUNCIL MEETING

The Honorable Mayor Buchheit called to order the regular meeting of the Mayor and Council at 7:31 PM.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Honorable Mayor Buchheit led the Pledge of Allegiance and a moment of silence, asking for prayers for residents Sandy Malinowski, Ellie Garvine, Dee Bennett and Ellie Loveland.

ATTENDANCE ROLL CALL

Present were Council Members Barrett, Titus, Sullivan and Green. Also present were City Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn and Interim City Solicitor Walton.

ACTION UPON THE TREASURER'S REPORT

City Treasurer Hartman gave the Treasurer's Report for February 2013. Council questioned some checks and specific line items. Discussion followed regarding the \$1500 donation to the Delaware City Athletic Association (DCAA) that was made at the last Mayor and Council meeting. The total amount that was budgeted for donations was \$1500, with \$1000 budgeted for the DCAA. *Council Member Barrett made a motion to amend the prior allocation of \$1500 to \$1000 for a donation to the DCAA. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Council Member Green made a motion to approve the Treasurer's Report subject to audit. Council Member Sullivan seconded the motion. A vote was taken, all ayes, motion carried.

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING

February 25, 2013, Regular Mayor and Council Meeting Minutes- *Council Member Sullivan made a motion to approve the minutes of the February 25, 2013 meeting as written. Council Member Green seconded the motion. A vote was taken, all ayes, motion carried.*

March 6, 2013, Special Mayor and Council Meeting Minutes – *Council Member Barrett made a motion to approve the minutes of the March 6, 2013 meeting as written. Council Member Sullivan seconded the motion. A vote was taken, all ayes, motion carried.*

POLICE REPORT

Officer Kerr reported the police activity statistics for the period from 2/24/2013 through 3/10/2013, with a total of 49 arrests: 21 criminal arrests, 16 traffic arrests and 12 drug arrests. He also reported the following:

- ATM stolen from the Delaware City Pub. Suspect information was given to New Castle County. They stopped the suspects and found 125 bags of heroin. The suspects admitted to the burglary and were arrested.
- Suspect arrested for copper thefts in town.
- Received several applications for seasonal officers and the full time police officer position. Only two applicants are qualified at this point.
- Chief Tjaden received a letter from Superior Court Judge Richard Cooch, thanking him for reporting to the hospital to assist with the injured police

officers after the shooting in the Wilmington Courthouse. Injured police officers are back on duty.

CITY SOLICITOR'S REPORT

Interim City Solicitor Walton reported the following:

- Did quite a bit of work on the Charter changes.
- Met with City Manager and staff to get a better understanding of the election procedures.
- Worked on a revision of the ordinance relating to eviction with two convictions. It was submitted for the Council's consideration.

CITY MANAGER'S REPORT

City Manager Cathcart reported the following:

- Met with John Phillos, State Division of Libraries, and Mark Chura for a walk thru of the Library. The purpose of the meeting was to make sure he had a clear understanding of the proposed changes and to clarify the content of an email that said the State "had serious concerns..." with the proposed changes. We found that in fact the State Libraries does not have serious concerns.
- Met with Reedy Point Players and have resolved the lease issues. A copy of the Lease Agreement with the changes incorporated was emailed to Reedy Point Players today.
- Met with Artesian Water representatives concerning monthly billing and efforts to reduce the amount of delinquency. Monthly billing would require monthly meter reading. There was a discussion about the age of our meters (80% are older than 10 years) and the need to replace them in the very near future, at an estimated cost of \$300,000 including installation. We talked about remote read meters and the benefits of same.
- Received notification from DEMA that the City was awarded \$38,147 as reimbursement (75%) of our expenses incurred as a result of Hurricane Sandy.
- Submitted a Coastal Management Assistance Grant request for \$50,000. This grant, if awarded, would allow the City to develop a compressive drainage plan in the Madison, Monroe and Solomon Streets area. The grant requires a dollar for dollar match. We are partnering with the Delaware City Refinery, who is contributing \$20,000 and the New Castle County Conservation District, who is contributing \$5,000.
- The letters, announcing that the City was going to publish the names of residents who were delinquent on taxes and water bills, have resulted in some success. The City collected 58% of the outstanding water bills and 15% of outstanding taxes prior to

publishing the names in the March City News. We will continue aggressive collection of all delinquent amounts.

- Main Street Delaware City (MSDC) has offered to front (loan) the money needed to install water and electric for the Community Garden, to be repaid with future grant funds. Motion needed to permit the City Manager to enter into an agreement to accept \$7,830 from MSDC. Will actively search for grants and will repay to MSDC when funded. There will be eighteen 4X8 plots.

GENERAL MEETINGS

- Hazard Mitigation/Climate Change Advisory Committee
- Hazard Mitigation/Climate Change Community Workshop
- African Union Church Cemetery Friends Group
- Max Walton – Election Preparation (No Charge)
- Meeting concerning train traffic Wilbur Elementary School
- Rivers Town Ride and Festival Committee
- Enduro Riders concerning their 50th Annual Enduro Ride event
- Met with Collins Business Services concerning a new phone system.

PROJECT UPDATES

- Solar Farm: There has been significant progress on the solar farm construction and we are on schedule for completion by the end March. A dedication and press event is planned. Will power all City buildings, reducing the cost from 18 cents per KWH to 5 cents per KWH. The City will save in excess of one million dollars over the life of the contract.
- The Branch Canal Project remains in waiting for a permit.
- Fire and Security Alarm System installation is near completion.

City Manager Cathcart answered questions.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

Mayor Buchheit announced that he presented the Delaware City Library with a \$467 check as a result of a fundraiser at Crabby Dick's.

Mayor Buchheit, on behalf of himself and his partner, Dale Slotter, presented Reedy Point Players with a \$1000 check for their lease with the City of Delaware City.

Mayor Buchheit then announced he has been getting complaints about dog pooh in the park. He invited all Council Members and candidates to meet him in the park at 10:00 AM Saturday morning to pick up dog pooh. He said he would provide the bags.

Meet the Candidates meeting will take place in the Library at 2:00 on Saturday, March 23rd.

Crabby Dick's will have a scholarship fundraiser on April 13th in memory of two children who were killed in an accident.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street – Mark Chura reported the following:

- The next Dolly Spanker speaker will be Ed Okonowicz, speaking about "Tales Tombstones Tell" at the Community Center on Wednesday, March 20th at 7:00.
- Friday night, March 22nd at 7:00 PM, will be the first movie night with popcorn, candy and free admission. Families are encouraged to attend.
- The oral history is being worked on with the University of Delaware.
- There was a diabetes clinic at the Community Center. Mr. Chura encouraged people to stay in touch through Facebook or the website for upcoming events.

Discussion followed regarding the confusion with Main Street's Facebook page. Mr. Chura said they would look into it.

Mayor Buchheit asked Mr. Chura if he would conduct a tour of the Community Center, pointing out anticipated space changes, prior to the meeting with the Library Board at 6:00 on March 20th.

Board of Health – Council Member Green reported that the Board of Health continues to work on the Delaware City Community Action Team (CAT) that is aimed at assisting residents during a crisis situation.

Planning Commission – Tim Dilliplane reported that they continued to work on the sign ordinance. Discussion followed regarding political signs. City Solicitor Walton asked to be alerted if they do decide to address political signs as there is much case study that has been done.

Council Member Green, in the absence of Vice Mayor Johnson, presented the Honorable Mayor Buchheit with a plaque in recognition of his two years of service and as a thank you for everything he had accomplished. He listed the mayor's accomplishments.

OLD BUSINESS

Resolution 13-0318-01 – Relating to Charter Changes

City Manager Cathcart stated that the City Solicitor reviewed the proposed changes at the Public Hearing. He then reviewed the steps that are necessary to have the Charter changes officially adopted. *Council Member Titus made a*

motion to approve Resolution 13-0318-01, "A Resolution to Request that the General Assembly Amend the Charter of the City of Delaware City". Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.

NEW BUSINESS

Set Date for Continuation of 4/8/13 Meeting for Swearing In of Newly Elected Mayor and Council Members

City Solicitor Walton said according to the Municipal Election Code, the swearing in can't take place until at least seven days after the election. Discussion followed. The Mayor and Council reached a consensus to meet at 6:00 PM on Wednesday, April 10, 2013.

NPDES Annual Report

City Manager Cathcart explained that this is regarding the permit to discharge. Delaware City has worked in conjunction with other municipalities in New Castle County. An annual report is required. *Council Member Green made a motion to accept and approve the 2013 Annual Report, Checklist/Cover Letter, NPDES Permit 0051071, effective May 1, 2001. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Second Reading and Adoption of Ordinance 13-0225-01 Relating to Composition of Board of Adjustment

City Manager Cathcart reminded the Council that this is the Ordinance that was discussed at the Public Hearing. The purpose of the ordinance is to eliminate a possible conflict of interest that could have been caused by having the City Solicitor on the Board of Adjustment. *Council Member Titus made a motion to adopt Ordinance 13-0225-01, an "ORDINANCE TO CHANGE THE COMPOSITION OF BOARD OF ADJUSTMENT OF THE CITY OF DELAWARE CITY". Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Certification of the 4th Quarter FY13 Supplemental Tax Assessment

Council Member Sullivan made a motion to certify the 4th Quarter FY13 Supplemental Tax Assessment. Council Member Green seconded the motion. Discussion occurred. A roll call vote was taken, all ayes, motion carried.

Introduction and First Reading of Ordinance 13-0318-01 Relating to Leasee/Tenant Eviction Policy

City Manager Cathcart reminded the Council that this was an issue that came up during an executive session at the last meeting. City Solicitor Walton said the original ordinance had to be amended to comply with Delaware Code 25 70-10A that requires "immediate and irreparable harm" for an eviction. The new ordinance now has adopted the language of 70-10A. City Manager Cathcart said this fixes the problem the mobile home park owners raised with the City. *Council*

Member Titus made a motion to accept and introduce Ordinance 13-0318-01, "AN ORDINANCE TO AMEND CHAPTER 22 SECTION 22-6 OF THE CODE OF THE CITY OF DELAWARE CITY TO CHANGE THE LEASEE/TENANT SUMMARY EVICTION POLICY FOR MORE THAN TWO CONVICTIONS OF EITHER THE CITY OF DELAWARE CITY CODE OR STATE OF DELAWARE CODE WITHIN A TWELVE MONTH PERIOD". Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.

COUNCIL COMMENTS

Council Member Sullivan thanked everyone for their support over the last two years. She said she has some medical issues that have become a priority. She said she will run again in the future, but for now needs to take care of her health. She encouraged everyone to attend the Meet the Candidates session at the Library.

Council Member Green gave a report of his activity for the previous month.

Mayor Buchheit said he will continue to work on the River Towns Bike Races. He said it has been a pleasure to work with the members of the Council and wished Council Member Sullivan the best of health.

CITIZENS QUESTIONS AND COMMENTS

Ray Fruytier, 909 Fifth Street, asked how much money was made from the Mayor's Ball. He was told that they took in over \$48,000, but that the bills are still being paid.

Mr. Fruytier asked what funds were used to pay for the solar array that is being installed. City Manager Cathcart explained that the State Legislature approved a program to allow entities who wanted to put a solar system in place could contract with companies that build the sites at no cost to the entity. In return for the free construction, the entity enters into a power purchase agreement with the company. The company, in our case Solar City, bids on credits in an auction that the State holds every year. Solar City's bid was 5 cents per KWH, which was the lowest bid in the last 18 months. The City has agreed to purchase power from them at that price, with escalators built in. Consequently, the solar array did not cost the City a dime. The refinery donated the land to the City.

Mr. Fruytier asked what the City's next steps are to collect the delinquent taxes and water that were published in the City News. City Manager Cathcart said the City will be very aggressive in the collection process.

Mr. Fruytier then thanked Mayor Buchheit and Dale Slotter for coming to Delaware City. He said they have put a lot into the town.

Lincy Baffone, Washington Street, reiterated the problems with dog waste in the park. She passed out an informational sheet stating the problems with dog waste, such as it being a host for bacteria which can contaminate water supplies and containing parasites that can be passed to adults, children and other dogs. Discussion followed. City Manager Cathcart said Chief Tjaden says the City Code is not written strongly enough to enforce. He will be studying the code and looking at strengthening the law. Council Member Barrett said it is also a problem in Seventh Street Park and at the Community Center Park.

Mike Hendry, 400 Clinton Street, said he and his wife tried to have this issue addressed several years ago but hit a brick wall with the Council. He encouraged the Council to follow-up on this.

Mr. Hendry said he has been appointed temporarily as a spokesperson for Reedy Point Players. He thanked Mayor Buchheit and Dale Slotter for the contribution in support of Reedy Point Players. He thanked City Manager Cathcart and Mark Chura for working with them with a positive attitude so that everything could be worked out.

Tim Dilliplane, 118 Clinton Street, suggested that if the City Council is reviewing the law regarding dog waste, that they also look at the law regarding litter.

Kerry Rhoades, 124 Clinton Street, asked if signs are posted regarding the dog waste and litter that they be positive signs about keeping the City beautiful.

ADJOURNMENT

Council Member Green made a motion to adjourn the Mayor and Council Meeting. Council Member Sullivan seconded the motion. A vote was taken, all ayes, motion carried. Meeting adjourned at 8:50PM.

Respectfully submitted,
Dawn K. Gwynn
City Secretary



ATTENDANCE SHEET – PLEASE SIGN IN

MEETING: M+C DATE: 3/18/13

NAME:

Bill Miller
Jim Wharry
Vicki Johnson
Mike Hendry / Deb Sellers
RAY FRUGTIER
TIM KONKUS
BETH KONKUS
DALE SLOTT
Kenn Whittaker
Kris Lynn
Nan & Jeff Grant
Tim DISCIPIANS

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